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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,170	03/28/2001	Ahmad Razvan	KR 4	3883

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THE TECHNOLOGY LAW OFFICES OF VIRGINIA
P.O. Box 818
Middleburg, VA 20118

EXAMINER

KESACK, DANIEL

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/819,170	Applicant(s) RAZVAN ET AL.	
	Examiner Dan Kesack	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03/28/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been reviewed. Original claims 1-20 are pending. The rejections are as stated below.

Information Disclosure Statement

2. The information disclosure statement filed March 28, 2001 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.
3. The information disclosure statement filed March 28, 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most

knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 16, 17 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the specification does not mention designating portions of a balance, or predetermined balances which must be used by a preselected date.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 5, 8-11, 15 rejected under 35 U.S.C. 102(b) as being anticipated by Risafi et al, U.S. Patent No. 6,473,500.

Claims 1, 5, 8-11, 15, Risafi discloses a system and method for using a prepaid card, a communications network and database for issuing, accounting, activation of cards, and for checking the balance, and for replenishing value on the card (column 4 lines 21-27). (figures 6a and 8b), maintaining a record of card balance (column 4 line 27), purchasing said cards at a retail establishment (column 4 lines 17-18), the cards having a card number and a PIN number, and containing an electronic swipe for conducting various card functions (fig 3b – item 320).

Claim 5, Risafi teaches that the value of the cards can be replenished at any appropriate terminal connected to the processing center, such as any point-of-sale terminal (column 4 lines 40-41 and column 7 lines 4-7).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 2, 6, 7, 13, rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi as applied to claims 1 and 10 above, and further in view of Hogan, U.S. Patent No. 5,704,046.

Risafi teaches the card being used in transactions involving different countries, but does not teach the card system maintaining balances in multiple currencies.

Hogan discloses a system and method for conducting cashless transactions, allowing purchasing of goods using value stored on a card, communicable by a magnetic strip on said card, and in order to allow worldwide utilization, said card containing balances for different foreign currencies, keeping separate balances of each (column 12 lines 21-27). Therefore, it would be obvious to one of normal skill in the art

at the time of the Applicant's invention to modify the features of the account and transaction databases of Risafi to accommodate maintaining separate balances for different currencies, so that the card may be used worldwide, as taught by Risafi.

Claims 2 and 13, the recitation that an element is "capable of" performing a function is not a positive limitation, but only requires the ability to so perform. The invention disclosed in Risafi is capable of maintaining balances in multiple currencies, and is therefore rejected as described above.

11. Claims 3, 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi as applied to claim 1 and 10 above, and further in view of DiMaria et al. U.S. Patent No. 6,523,741.

Risafi fails to teach a minor rating built into the password or the serial number of each card, preventing the sale and purchase of age-sensitive products.

DiMaria discloses an apparatus for controlling the sale of age-controlled merchandise, in which a card with a magnetic stripe is used in the purchase of goods or services, the magnetic strip being swiped and containing information on the bearer's identification including age, and the disclosed apparatus determines whether the bearer can purchase age-controlled merchandise or gain access to age controlled services (column 4 lines 19-27). DiMaria teaches that legal liability is a major concern of merchants of age controlled products or services, and that it is desirable to be able to immediately verify that the merchant followed reasonable precautions in dispensing an age controlled product or service (column 2 line 53 – column 3 line 6). Therefore it

would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Risafi to include the age verification feature taught by DiMaria.

12. Claims 4, 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi as applied to claim 1 and 10 above, and further in view of Herbert, U.S. Patent No. 5,180,192.

Risafi fails to teach having the name and address of the issuer or owner affixed on the card so that the card may be mailed to the owner if the card is lost or misplaced.

Herbert discloses a method by which lost items are mailed back to their owners, the item having the address of a central registry fixed upon it, including instructions to drop the item in any mailbox, in the event it is found. The system allows the item to be returned to its owner via mail. It would be obvious to one of ordinary skill in the art to include the method of returning lost items disclosed in Herbert in the cash card system of Risafi because security is a very desirable feature in the credit card field. Making the cash card easily returnable to the owner in the event it is lost makes the system more secure and more convenient for the owner.

13. Claims 16, 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi as applied to claim 10 above, and further in view of Walker et al. U.S. Patent No. 6,227,972.

Risafi fails to teach designating a portion of the balance or each card to expire on a preselected date.

Walker discloses a prepaid slot machine card, which can be preloaded with a balance and used to spend the balance on slot machine plays at a casino. Walker teaches credits on the card having predefined expiration amounts, which expire at a predefined time, and if not used, are removed from the balance of the card. Walker teaches this feature entices the cardholder to use the balance in a timelier manner. Therefore it would be obvious to one of ordinary skill in the art at the time or the Applicant's invention to modify the teachings of Risafi to include predetermined balances being used by predetermined dates in order to increase the use of the card by the owner.

14. Claims 18-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi as applied to claim 1 and 10 above, and further in view of Halpern, U.S. Patent Application Publication No. 2002/0019807.

Risafi fails to teach using multiple passwords for purchases and balance transfers.

Halpern discloses an electronic value storage device that can be loaded with a balance and used to make purchases on goods and services. Halpern teaches different PIN numbers may be provided for different functions of the device (paragraph 136), different functions of the device including purchasing, transferring funds, and updating owner information, and teaches that such a practice would still further increase the

overall security for the account holders. Therefore it would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the cash card system of Risafi to include multiple passwords for multiple functions for the purpose of increased security.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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PRIMARY EXAMINER